United Nations E/C.12/BGD/CO/1

Economic and Social Council

Distr.: General
18 April 2018

Original: English

Committee on Economic, Social and Cultural Rights

Concluding observations on the initial report of Bangladesh*

1. The Committee considered the initial report of Bangladesh (E/C.12/BGD/1) at its 7th, 8th and 9th meetings (E/C.12/2018/SR.7, 8 and 9), held on 15 and 16 March 2018, and adopted the present concluding observations at its 28th meeting, held on 29 March 2018.

A. Introduction

2. The Committee welcomes the initial report submitted by the State party, despite the long delay in submission, and appreciates the candid and constructive dialogue held with the State party's high-level, multi-ministerial delegation.

B. Positive aspects

3. The Committee acknowledges the progress that the State party has made since its accession to the Covenant in many areas relating to the rights enshrined therein, particularly regarding poverty reduction. Between 2006 and 2016, the poverty rate was reduced from 38.4 per cent down to 24.3 per cent, per capita income has increased substantially and life expectancy has increased to 71.6 years. The Committee notes the State party's forthcoming graduation from the category of least-developed country.

4. The Committee acknowledges the progress made by the State party in advancing gender equality in the public sphere, including initiatives to improve women's representation in political decision-making, such as the bill on the seventeenth amendment to the Constitution (approved by the Cabinet) and the reservation, in elections for local government bodies, of one third of the seats for women candidates. The Committee notes with appreciation that the State party is close to achieving 100 per cent enrolment and gender parity in primary education.

C. Principal subjects of concern and recommendations

Domestic application of the Covenant

5. The Committee is concerned that the rights enshrined in the Covenant have not been fully incorporated into the domestic legal order and, in particular, that the Constitution of the State party recognizes economic, social and cultural rights only as fundamental principles of State policy, not as fundamental rights, and that those rights are not justiciable.

6. **The Committee recommends that the State party fully incorporate the Covenant rights into its domestic legal order with a constitutional rank equal to that of civil and political rights, and that these rights be applied by the domestic courts at**

* Adopted by the Committee at its sixty-third session (12–29 March 2018).

GE.18-06180(E)

1806180

Please recycle

all levels. It also recommends that the State party enhance training for judges, lawyers and public officials on the Covenant and the justiciability of the rights therein. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

7. The Committee takes note of the declarations made by the State party in respect of articles 1–3, 7, 8, 10 and 13 of the Covenant, as well as the explanation provided by the delegation that the declarations are intended to reinforce its commitment to the progressive realization of Covenant rights. Nevertheless, the Committee remains concerned that a number of these declarations in fact amount to reservations that may impede implementation of the Covenant.

8. **The Committee recommends that the State party consider withdrawing such declarations.**

National commission for human rights

9. Noting that the National Human Rights Commission has been accredited with B status by the Global Alliance of National Human Rights Institutions, the Committee is concerned that the Commission does not enjoy sufficient independence, particularly in relation to financial autonomy and staffing. The Committee also notes the Commission's limited mandate, which does not refer directly to economic, social and cultural rights.

10. **The Committee recommends that the State party strengthen the independence of Commission, including by allocating an adequate level of funding in a separate budget line and amending the recruitment rules to enable the Commission to recruit its own staff for all its positions. It also recommends that the State party review the National Human Rights Commission Act, 2009 with a view to expanding the mandate of the Commission to deal directly with the rights enshrined in the Covenant.**

Human rights defenders

11. The Committee is concerned at repeated reports of shrinking space for human rights defenders, including journalists, trade union activists and civil society activists and for dissenting voices generally. It is particularly concerned about overbroad restrictions on the activities of human rights defenders imposed by certain provisions in current or proposed legislation, including the Act on information and communications technology, as amended in 2013, the draft act on digital security of 2018, the Foreign Donations (Voluntary Activities) Regulation Act, 2016, and the Special Powers Act, 1974.

12. **The Committee recommends that the State party ensure a safe and favourable environment for human rights defenders, review the above-mentioned legislation in close consultation with such defenders with a view to removing restrictive provisions, including section 57 of the Act on information and communications technology and similar provisions in the draft act on digital security of 2018, and repeal the Special Powers Act, 1974. The Committee draws the attention of the State party to its statement on human rights defenders and economic, social and cultural rights (E/C.12/2016/2).**

Climate change

13. The Committee welcomes the establishment of the Bangladesh Climate Change Trust and the Bangladesh Climate Change Resilience Fund and the adoption of the Bangladesh Climate Change Strategy and Action Plan of 2009. The Committee is concerned about the adverse effects that climate change has on the enjoyment of economic, social and cultural rights by people in Bangladesh, despite the negligible contribution of the State party to the phenomenon.

14. **The Committee recommends that the State party ensure that strategies and action plans on climate change and disaster response and risk reduction are formulated and implemented on the basis of human rights and with the meaningful participation of affected communities and civil society. It also recommends that the State party further strengthen international cooperation in order to mobilize the**

financial and technological support to which it is entitled in mitigating and responding to the effects of climate change.

Indigenous peoples

15. While acknowledging the constitutional provisions recognizing and protecting tribes, "minor" races and ethnic sects and communities, the Committee is concerned about the absence of explicit constitutional and legislative recognition of the rights of those who self-identify as indigenous peoples in the State party; at repeated reports of expropriation of ancestral land of indigenous peoples where the requirements of free, prior and informed consent were not met; and at the lack of appropriate mechanisms for affected indigenous persons and communities to take part in decision-making processes (art. 1 (2)).

16. **The Committee recommends that the State party:**

(a) Expedite the enactment of a law recognizing and protecting the rights of indigenous peoples in full compliance with relevant international human rights standards;

(b) Fully implement and, where lacking, set up appropriate mechanisms to ensure the representation and participation of indigenous peoples, both in the hill tracts and plains, in all decision-making affecting their rights;

(c) Ensure that the requirements of free, prior and informed consent are met in all cases of expropriation of land of indigenous peoples;

(d) Provide effective mechanisms through which indigenous peoples can seek remedies for the deprivation of ancestral lands;

(e) Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO).

17. In the specific context of the Chittagong Hill Tracts Peace Accord, the Committee is concerned that the level of implementation of the Accord has been insufficient, particularly with respect to the resolution of land disputes. It regrets the lack of information on the status of and decisions made on the land-dispute applications brought to the Chittagong Hill Tracts Land Dispute Resolution Commission (art. 1 (2)).

18. **The Committee recommends that the State party intensify its efforts to implement the Accord and, in particular, to resolve the large number of land-dispute applications in a transparent, effective and time-bound manner, including by providing a sufficient level of human, financial and technical resources to the Chittagong Hill Tracts Land Dispute Resolution Commission. It also requests the State party to provide, in its next periodic report, detailed information on progress made in the implementation of the Accord and in the resolution of land disputes by the Commission.**

Maximum available resources

19. While noting the progress made in poverty reduction, the Committee is concerned about growing income disparities in the State party and about certain aspects of the State party's tax system, including the very low ratio of tax revenue to gross domestic product, the effects of the value-added tax system on poor households and the low level of tax collection. It is further concerned about the very low level of public funding allocated to social services, including social security, health care and education (arts. 2 (1) and 11).

20. **The Committee recommends that the State party optimize its tax system to increase available resources and enhance its effect on income redistribution by: combating tax evasion, expanding the tax base, improving tax collection and ensuring that the revised value-added tax system is not applied to basic foodstuffs and social services. It also recommends that the State party increase the level of funding allocated to social services, particularly in the areas of social security, housing, health and education.**

Corruption

21. The Committee is concerned about the pervasiveness of corruption and its devastating impact on the enjoyment of economic, social and cultural rights, particularly by disadvantaged and marginalized individuals and groups. It is particularly concerned at reports of widespread clientelism, which manipulates the allocation of public funding and the provision of public services, and of bribery in the allocation of land and basic services. It is further concerned at reports of the inefficacy of the Anti-Corruption Commission in combating corruption (art. 2 (1)).

22. **The Committee recommends that the State party take concrete steps to:**

(a) Improve public governance and ensure transparency in the conduct of public affairs;

(b) Ensure that anti-corruption legislation is strictly enforced and that all those involved in corruption, particularly high-level officials and politicians, are prosecuted without exception;

(c) Enhance the independence and efficacy of the Anti-Corruption Commission;

(d) Raise awareness of public and government officials about the economic and social costs of corruption, the unacceptability of bribery and the available anti-corruption measures and reporting mechanisms.

Non-discrimination

23. The Committee is concerned that article 28 of the Constitution prohibits discrimination only on limited grounds, and that the State party has delayed the adoption of comprehensive anti-discrimination legislation. While welcoming the legal recognition of hijras, it remains concerned that same-sex relations between consenting adults are criminalized (art. 2 (2)).

24. **The Committee recommends that the State party expedite the adoption of comprehensive anti-discrimination legislation that prohibits direct, indirect and multiple forms of discrimination on an open list of grounds and that provides for effective remedies for victims of discrimination, including in judicial and administrative proceedings. It also recommends that the State party decriminalize same-sex relations between consenting adults and take the measures necessary to raise public awareness regarding, and combat discrimination based on, sexual orientation and gender identity.**

25. **The Committee draws the attention of the State party in this context to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Rohingya refugees

26. The Committee expresses its great appreciation for the efforts of the State party to host over a million Rohingya refugees forced to flee systematic and violent persecution, and recognizes the immense challenges faced by the State party as host country. It also notes the assurance of the State party that no attempt would be made to return the refugees to Myanmar under any circumstance that did not guarantee a safe and dignified return.

27. The Committee, nevertheless, is deeply concerned that these Rohingya do not have legal status in the State party, which restricts their movement outside of the camps to access health-care services, education and other basic services. It is also concerned about the safety and habitability of the shelters in the camps, such as Kutupalong and Nayapara, where the risks of landslides and flooding are high, and about possible outbreaks of diseases such as diphtheria and cholera, particularly in the light of the imminent monsoon season (arts. 2 (2) and 11).

28. **The Committee recommends that the State party take effective measures to recognize the legal status of the Rohingya, with a view to ensuring their access to**

livelihoods, health care, particularly emergency medical treatment, education and other basic services provided outside of the camps. It also recommends that the State party, with the humanitarian assistance of the international community, take immediate measures to ensure the safety of the Rohingya in camps and to safeguard against outbreaks of diseases such as diphtheria and cholera. Welcoming the launch of the 2018 joint response plan for the Rohingya humanitarian crisis, the Committee encourages the State party to continue its efforts to seek international assistance and cooperation in improving the living conditions of the Rohingya, and in seeking durable solutions to their situation.

Equality between men and women

29. The Committee is concerned that women do not enjoy equality in the enjoyment of economic, social and cultural rights. In particular, article 28 (2) of the Constitution confines the equality between men and women to the State and the public sphere, and the religious personal laws governing women's rights in relation to marriage, divorce, maintenance and property inheritance are largely discriminatory against women (arts. 2 (2), 3 and 10).

30. **The Committee recommends that the State party:**

(a) Expand the application of gender equality provided for in article 28 (2) of the Constitution to all spheres of life;

(b) Adopt a unified family law that provides for equal rights of men and women in relation to marriage, divorce, maintenance and property inheritance;

(c) Raise awareness of gender equality in all spheres of life, public and private, among religious leaders, judges and lawyers, law enforcement officials and the public, and enhance free legal assistance to enable women to claim their equal rights.

Right to work

31. The Committee is concerned that a majority of workers, amounting to almost 90 per cent of the labour force, are working in the informal economy without social and labour protection. While noting employment quotas for persons with disabilities and ethnic minorities, it is concerned that the quotas are inadequate and not properly implemented and that these groups still face difficulties in accessing the labour market. It is particularly concerned that Dalit workers are segregated in socially stigmatized service sectors that have been traditionally assigned to them and that they face severe difficulties in accessing employment outside those sectors (arts. 2 (2) and 6).

32. **The Committee recommends that the State party intensify its efforts to:**

(a) Regularize the informal economy and ensure in the interim that workers in that economy are provided with social and labour protection;

(b) Increase the quotas for the groups mentioned above, taking into consideration their representation in the total population, and fully implement the quotas;

(c) Eliminate discrimination against Dalits in employment and facilitate their employment outside their traditional job categories, including by taking temporary special measures and providing targeted vocational training and education to enable their equal participation in all spheres of the labour market.

Right to just and favourable conditions of work

33. The Committee is concerned by:

(a) The absence of a national minimum wage, and the limited coverage of the existing minimum wages and their amounts, which are below the minimum subsistence level, despite the recent increase in the minimum wage pertaining to the garment industry;

(b) The persistent and large gender pay gap in the State party, which reaches 40 per cent;

(c) Repeated reports of continuing abuse and exploitation, and poor conditions, in workplaces, particularly in the garment industry;

(d) The very limited scope of the Bangladesh Labour Act, 2006 (as amended up to 2013) which does not cover the informal economy and excludes some segments of the formal economy, such as the export processing zones;

(e) The existing labour laws regulating the export processing zones, which do not provide workers in those zones with an adequate level of protection of labour and social rights, including trade union rights;

(f) The lack of labour complaint procedures, particularly for workers in the informal economy;

(g) The fact that, although the number of labour inspections carried out has increased, a number of positions in the labour inspectorate are still vacant, and the frequency and quality of labour inspections carried out remain insufficient (arts. 3, 7 and 8).

34. **The Committee recommends that the State party:**

(a) Establish a national minimum wage that applies universally to all workers in the State party and raise the existing minimum wages to ensure a decent living for all workers and their families;

(b) Reduce the gender pay gap and incorporate the principle of equal pay for work of equal value into the labour legislation;

(c) Intensify its efforts to eradicate abuse and exploitation in the workplace and improve the working conditions of all workers in the State party;

(d) Revise the Bangladesh Labour Act with a view to expanding the scope of the law to cover all workplaces in the State party, including those linked to the informal economy;

(e) Align the specific labour legislation applicable in the export processing zones with the Bangladesh Labour Act or apply the Act to those zones, and ensure that the incentives provided to foreign investors, including those in the export processing zones, do not compromise the labour and social protection of workers hired by those investors;

(f) Set up independent and effective labour complaint mechanisms that can be accessed easily and without fear of victimization by all workers, including those employed in the informal economy and domestic settings;

(g) Strengthen the labour inspection mechanism, including by filling the vacant posts without delay, improving the financial, human and technical capacity of the labour inspectorate and enhancing the transparency and accountability of labour inspection mechanisms.

35. **The Committee draws the attention of the State party to its general comment No. 23 (2016) on the right to just and favourable conditions of work.**

Occupational health and safety

36. The Committee is concerned that, despite the progress made since the Rana Plaza and Tazreen Fashions factory accidents in 2013, including the adoption of a national occupational health and safety policy, the incidence of deadly occupational accidents remains high in the textile, ship-breaking, stone-crushing and other industries. It is also concerned about the lack of adequate compensation for victims of occupational accidents and for their families, and the delay in the adoption of a national employment injury insurance scheme (arts. 7, 11 and 12).

37. **The Committee recommends that the State party redouble its efforts to reduce and prevent occupational accidents, in particular by:**

(a) Intensifying labour inspections, particularly in accident-prone industries;

(b) Strengthening the sanctions on employers who fail to comply with regulations;

(c) Fully implementing the national occupational health and safety policy adopted in 2013;

(d) Expediting the adoption of a national employment injury insurance scheme;

(e) Ensuring that all victims of occupational accidents, and their families, are provided with adequate compensation, which should include, as a minimum, the medical treatment necessary for their physical injuries and psychological trauma.

Bangladeshi migrant workers overseas

38. The Committee is concerned about the poor living and working conditions faced by many Bangladeshi migrant workers overseas and the lack of mechanisms to ensure that such migrants are provided with an adequate level of labour and social protection while working abroad. Despite the efforts of the State party, the Committee remains concerned by the continuing exploitative situation of women migrant workers, most of whom are employed as domestic workers in certain Middle Eastern countries (arts. 6–9).

39. **The Committee recommends that the State intensify its efforts to:**

(a) Negotiate with other States to ensure that the same level of labour and social protection applicable to national workers are provided to Bangladeshi migrant workers in the countries of destination, including through bilateral agreements with countries of destination;

(b) Strengthen the regulation of recruitment agencies;

(c) Enhance consular and legal services for such workers;

(d) Systemically review the existing bilateral agreements in relation to women migrant domestic workers with a view to strengthening the labour and social protection provided therein;

(e) Invoke existing agreements with the respective countries where exploitation of its national workers continues;

(f) Consider ratifying the Domestic Workers Convention, 2011 (No. 189) of ILO.

Trade union rights

40. The Committee is concerned at the continuing discrimination, harassment and intimidation of trade unionists for their activities, including the arrest of 30 union leaders under the Special Powers Act, 1974, and the dismissal of over 1,500 garment workers during their protests in Ashulia in December 2016.

41. **The Committee recommends that the State party promptly and thoroughly investigate all reported cases of discrimination, harassment, intimidation and dismissal of trade union activists, guarantee trade union rights effectively, bring perpetrators to justice and provide victims with adequate remedies.**

42. The Committee is concerned about the overly restrictive provisions of the Bangladesh Labour Act, 2006 (as amended up to 2013), regarding minimum membership requirements of 30 per cent of the workforce to form a union and to maintain its registration, and about the prohibition of strikes or lockouts under broad and undefined circumstances, such as being considered as posing a serious hardship to public life or prejudicial to the national interest, and in new establishments owned by, or established in collaboration with, foreigners (art. 8).

43. **The Committee recommends that the State party review the Bangladesh Labour Act and other labour laws and regulations with a view to rationalizing the procedures and requirements for trade union registration, particularly the minimum**

membership requirement, and removing overly restrictive provisions on trade union rights, including the right to strike.

Right to social security

44. While noting the existence of over 140 social safety net programmes and their contribution to poverty reduction, the Committee is concerned at the low and decreasing level of public funding allocated to social security programmes, which stands at 2 per cent of the national budget; the absence of framework legislation on social security; the lack of a human rights-based approach in formulating and implementing social security policies; and the limited coverage and low level of benefits provided under the existing programmes (arts. 9 and 11).

45. **The Committee recommends that the State party:**

(a) Increase the budget of the social security sector;

(b) Adopt a framework law on social security;

(c) Review existing policies to ensure that they are guided by the human rights enshrined in the Covenant;

(d) Develop a universal social security system and establish a nationally defined social protection floor with a view to providing all segments of its population with a basic set of universal essential social guarantees.

46. **The Committee draws the attention of the State party to its general comment No. 19 (2007) on the right to social security and its statement, adopted in 2015, entitled "Social protection floors: an essential element of the right to social security and of the sustainable development goals".**

Birth registration

47. The Committee is concerned that, despite significant improvement, the birth registration rate remains low, which has the effect of limiting the access of affected children, including refugee children, to social security benefits, health-care services, education and other basic services. The Committee is also concerned that the low birth registration rate undermines the enforcement of legislation on child marriage restraint (arts. 3 and 9–14).

48. **The Committee recommends that the State party intensify its efforts to register all children born and living in the country, including Rohingya refugee children.**

Child marriage

49. The Committee is concerned that, while it has decreased, the incidence of child marriage remains high, indicating that in the State party over 10 per cent of girls under the age of 15, and more than half of girls under the age of 18, are married. It is particularly concerned at the serious negative impact that child marriage has on those girls throughout their life cycle, illustrated by high mortality and morbidity rates; high school dropout rates and lower levels of education; unemployment and employment segregation in low-paid jobs; higher vulnerability to domestic and gender-based violence; and high poverty rates.

50. While welcoming the Child Marriage Restraint Act, 2017, the Committee is concerned by weaknesses in this legislation, including the absence of provisions declaring child marriages as void, the exception in the legislation that permits child marriage without any minimum legal age in "special circumstances … in the best interests of the minor" provided there is parental consent and a court order, and the lack of clarity on the primacy of the Act over personal laws (arts. 3, 6, 7 and 10–14).

51. **The Committee recommends that the State party intensify its efforts to eradicate child marriage, in particular by:**

(a) Amending the Child Marriage Restriction Act, 2017 with a view to including provisions declaring such marriages void; repealing the provision providing for special cases that allow child marriage; ensuring the primacy of the Act over personal laws; adopting, as an interim measure, the rules that will guide the

implementation of the Act in line with the aforementioned recommendations; and strictly enforcing the Act;

(b) Ensuring that those who perform or facilitate child marriage are brought to justice and that those found responsible are punished;

(c) Ensuring that victims of child marriage who seek to leave their marriage have access to effective legal remedies and all other forms of necessary support and protection;

(d) Minimizing the negative consequences of child marriage, including by ensuring children who have been subjected to such marriage access to sexual and reproductive health information and services, including with regard to the use of contraceptives, and putting in place support mechanisms to enable them to continue their education after marriage and childbirth;

(e) Raising public awareness, particularly among religious and traditional leaders and law enforcement officials, of the lifelong negative consequences of child marriage on girls and women.

Sexual and gender-based violence

52. While noting legislative measures taken by the State party to combat sexual and gender-based violence, the Committee remains concerned at the lack of implementation of the legislation; the prevalence of such violence in all forms, including domestic violence, rape and sexual harassment; the lack of recognition of marital rape as an offence in the Penal Code, except in the case of a child bride younger than 13 years of age; and the inadequacy of the support services provided for victims of such violence (arts. 3 and 10).

53. **The Committee recommends that the State party redouble its efforts to combat all forms of sexual and gender-based violence. In particular, it recommends that the State party revise the Penal Code to recognize marital rape as an offence; strengthen the enforcement of legislation on sexual and gender-based violence; bring perpetrators of such violence to justice and punish those found responsible; and improve the legal, physical and psychological support provided for victims of sexual and gender-based violence and increase the number of shelters available to them and their children.**

Economic exploitation of children

54. While noting the State party's commitment to eliminate hazardous forms of child labour by 2021 and all forms of child labour by 2025, the Committee remains concerned about the large number of children still engaged in employment or work, their dire conditions of work, particularly in domestic settings, and the lack of sufficient labour inspections focusing on child labour (arts. 7 and 10).

55. **The Committee recommends that the State party:**

(a) Strengthen the national legislation prohibiting child labour and its enforcement by enhancing labour inspections on child labour and, at the same time, guarantee that working children are given the support necessary to improve and overcome their situation;

(b) Bring persons who make use of child labour to justice and punish those found responsible;

(c) Facilitate the recovery of children from child labour and ensure that they are given access to educational opportunities;

(d) Fully implement the National Child Labour Elimination Policy 2010 and the 10 directives issued by the High Court Division of the Supreme Court in response to the writ petition (No. 3598 of 2010) brought by the Bangladesh National Women Lawyers Association.

Right to food and nutrition

56. The Committee notes with concern the series of severe food crises faced by the State party, including the recent humanitarian situation in the Chittagong Hill Tracts, namely, in Thanchi, in the Bandarban District, in 2016 and in Sajek, in Rangamati District, in 2017. It is concerned that a very large number of persons are still suffering from seasonal hunger and from chronic malnutrition, which disproportionately affect people in rural areas and poor households (art. 11).

57. **The Committee recommends that the State party redouble its efforts to:**

(a) Prevent food crises, including through the effective forecasting of food shortages and by securing food availability and distribution for areas in need;

(b) Fully implement the Food Safety Act, 2013 and the related rules of 2014;

(c) Develop a national strategy for food and nutrition security, taking into account the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

58. **The Committee draws the attention of the State party to its general comment No. 12 (1999) on the right to adequate food.**

Land rights

59. The Committee is concerned about repeated reports of the inadequate level of implementation of the Khas land distribution policy and practices of land-grabbing, and regrets the lack of specific information provided by the State party in this regard. It is also concerned that the Act on vested property return of 2001 (as amended in 2011) has not been fully implemented and that progress in the restoration of vested properties under the Act is slow. It is further concerned that women's access to land ownership is highly restricted due to discriminatory provisions in the Khas land distribution policy and in religious personal laws relating to property inheritance (arts. 2 (1), 3 and 11).

60. **The Committee recommends that the State party:**

(a) Fully implement the Khas land distribution policy and thoroughly investigate all allegations of land-grabbing;

(b) Effectively implement the Act on vested property return with a view to ensuring that all properties confiscated under the Act on vested property of 1974 are returned expeditiously to the affected members of the Hindu community;

(c) Take the measures necessary to facilitate women's access to land ownership, including by revising personal laws governing property inheritance to provide for women's right to inheritance as equal to that of men.

Right to housing

61. The Committee is concerned at the large proportion of the population living in urban informal settlements in poor living conditions, with limited access to basic services, infrastructure, health care and education and under constant threat of eviction due to their lack of legal security of tenure (arts. 11–14).

62. **The Committee recommends that the State party step up its efforts to:**

(a) Increase the provision of affordable social housing to disadvantaged and marginalized individuals and groups, including residents of informal settlements;

(b) Improve living conditions and guarantee security of tenure for residents in informal settlements;

(c) Ensure that the legal framework establishing the procedures to be followed in the case of evictions, including the Government and Local Authority Lands and Buildings (Recovery of Possession) Ordinance, are brought into line with Covenant obligations.

63. **The Committee draws the attention of the State party to its general comment No. 7 (1997) on forced evictions.**

Water and sanitation

64. The Committee is concerned about the arsenic contamination of drinking water drawn from tube wells and its serious impact on the public health, particularly among children, and the consequent contamination of food production through irrigation (arts. 11 and 12).

65. **The Committee urges the State party to take immediate measures to treat arsenic-contaminated water and provide all affected people with alternative drinking water sources, provide appropriate health care to persons exposed to arsenic-contaminated water and put in place surveillance and treatment programmes for chronic diseases known to be caused by arsenic.**

Right to health

66. The Committee is concerned about:

(a) The limited access to affordable health-care services by disadvantaged and marginalized individuals and groups, including residents of informal settlements, Dalits and ethnic minorities;

(b) The shortage of medical professionals, many of whom are seeking employment opportunities overseas;

(c) The lack of availability of mental health services in the State party due to the lack of infrastructure, including mental health facilities and medical professionals;

(d) The reduced but high incidence of maternal mortality, particularly among adolescent girls due to early marriage and pregnancy (arts. 2 (2), 3, 10 and 12).

67. **The Committee recommends that the State party intensify its efforts to:**

(a) Improve the availability, affordability and quality of health-care services for all people in the State party, particularly at the primary health-care level;

(b) Take appropriate incentive measures to retain qualified medical professionals within the State party;

(c) Adopt framework legislation and policy on mental health care, increase the number and quality of mental health facilities and the number of trained medical professionals in this field;

(d) Ensure that sexual and reproductive health services and information are accessible and available for all women and girls, particularly in rural areas, and incorporate comprehensive age-appropriate sexual and reproductive health education into primary and secondary education curricula for both sexes, in the light of the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health.

Right to education

68. While noting the progress made in the education sector, including school enrolment at the primary level, the Committee is concerned about:

(a) The absence of framework legislation on education;

(b) The inconsistent quality of education and varying school curricula across different types of schools, largely due to the complex education system;

(c) The large number of madrasas operating beyond the authority and regulation of the Ministry of Education;

(d) The lack of provision of inclusive education for children with disabilities;

(c) The insufficient provision of education in mother tongues for indigenous children and children belonging to ethnic minority groups (arts. 13–15).

69. **The Committee recommends that the State party:**

(a) Adopt framework legislation that provides for the right to education as stipulated in articles 13 to 15 of the Covenant;

(b) Ensure consistency in the quality of education and school curricula across different types of schools;

(c) Bring madrasas under the control of the Ministry of Education;

(d) Provide inclusive education for children with disabilities;

(e) Scale up the education of indigenous children and children belonging to ethnic minority groups in their mother tongues.

Cultural rights

70. The Committee acknowledges the enactment of the Act on small ethnic communities' cultural institutions of 2010, and the fifteenth amendment to the Constitution, which, among other things, sets out the responsibility of the State to protect and develop the local culture and traditions of tribal and ethnic communities. The Committee, however, regrets the lack of information provided by the State party on the procedures for applying for national minority status, including with respect to eligibility, and on the benefits granted to national minorities (art. 15).

71. **The Committee recommends that the State party implement the relevant legislation to ensure that all ethnic minorities in the State party are legally recognized and that they are able to fully enjoy their cultural rights. It requests the State party to provide, in its next periodic report, information on the implementation of the relevant legislation, on the procedures for applying for national minority status, including with respect to eligibility, and on the benefits granted to recognized national minorities.**

D. Other recommendations

72. **The Committee encourages the State party to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

73. **The Committee recommends that the State party consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.**

74. **The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.**

75. **The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights, in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).**

76. **The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national, provincial and municipal levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with the national human rights institution, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.**

77. **In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 18 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 24 (adoption of comprehensive anti-discrimination legislation), 28 (Rohingya refugees) and 41 (victimization of trade union activists) above.**

78. **The Committee requests the State party to submit its second periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 March 2023. In addition, it invites the State party to update its common core document, in accordance with the harmonized guidelines on reporting under the international human rights treaties (see HRI/GEN/2/Rev.6, chap. I).**